

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NIMKOFF ROSENFELD & SCHECTER, LLP

Plaintiff,

-against-

RKO PROPERTIES, LTF, et al,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of Plaintiff's letter of May 8, 2008, its addendum dated May 15, 2008, Defendants' response of May 21, 2008, and subsequent correspondence. It appears to the Court that the Plaintiff, who originally filed in the Court based on diversity jurisdiction, now questions whether diversity exists. Defendants do not challenge the Court's jurisdiction but, on the other hand, do not provide dispositive proof or information that confirms diversity jurisdiction.

Accordingly, since jurisdiction is the *sine qua non* for this matter to proceed before this Court, within 30 days of the date of this Order, Defendants shall provide to Plaintiffs and the Court sufficient proof to moot this issue.

SO ORDERED.

Dated: New York, New York
May 30, 2008


Deborah A. Batts
United States District Judge

